

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HTK'S Development, Inc.,

Plaintiff,

v.

City of Flint,

Defendant.

Case No. 14-13918

Honorable Nancy G. Edmunds

ORDER OF REMAND OF PLAINTIFF'S STATE LAW CLAIM

Plaintiff HTK Development filed suit against Defendant in Genesee County Circuit Court. Plaintiff's complaint seeks recovery under federal and state law. With respect to Plaintiff's federal claim, he alleges a violation of the Fifth Amendment to the U.S. Constitution. Defendant timely removed the matter to this Court.

Being that the parties to this matter are nondiverse, this Court declines to exercise supplemental jurisdiction over the state law claim found in Count II of the complaint filed in the Genesee County Circuit Court to avoid juror confusion. See 28 U.S.C. § 1367(c); *Moor v. County of Alameda*, 411 U.S. 693, 716 (U.S. 1973); *Padilla v. City of Saginaw*, 867 F. Supp. 1309 (E.D. Mich. 1994). Thus, pursuant to 28 U.S.C. §§ 1367(c) all of the Plaintiff's claims found in Count II are hereby REMANDED to Genesee County Circuit Court, Case 2014-103502-CZ. This Court, therefore, retains jurisdiction only over Counts I and III of Plaintiff's complaint.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: October 16, 2014

I hereby certify that a copy of the foregoing document was served upon counsel of record on October 16, 2014, by electronic and/or ordinary mail.

s/Carol J. Bethel
Case Manager